

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY**

Meeting Date: August 18, 2004
Bulk Item: Yes ☐ No ☒

Division: Growth Management
Department: Planning

AGENDA ITEM WORDING:

A public hearing to consider a DCA Transmittal Resolution for approval of the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 as an amendment to the 2010 Comprehensive Plan and amendments to the Future Land Use Map and Land Use District Maps. (First of two public hearings required).

ITEM BACKGROUND:

Public meetings on the LCP for Tavernier Creek to Mile Marker 97 began in March of 2001. Over the next three years, staff worked with the public to identify areas of opportunity and constraint looking at the natural and built environment and ways to maintain and enhance the community character of the Keys. Through a series of public workshops, a survey and numerous public hearings before the Planning Commission, the LCP evolved into its final form. The Planning Commission recommended approval on June 23, 2004. Staff has included an additional Future Land Use Map change recommendation with this agenda package for RE # 482320.000000 and RE# 00482310.000000 (Coconut Palm Motel, 198 Harberview Dr. FL.) The property currently has a split FLUM of Residential Medium (RM) and Residential High (RH); the land use designation is Mixed Commercial (MC). Policy 101.20.2.2 was added to the Ordinance to incorporate the Master Plan into the Comprehensive Plan. Staff recommends adoption of the Master Plan for the Tavernier Creek to MM 97 as an amendment to the Monroe County Year 2010 Comprehensive Plan. An additional FLUM amendment to Action Item 1.4.2(3) is also recommended as detailed above to correct the discrepancy in land use designation for the Coconut Palm Motel by changing the Future Land Use Map designation.

PREVIOUS RELEVANT BOCC ACTION:

The Board approved the Livable CommuniKeys program as an amendment to the Year 2010 Comprehensive Plan on February 22, 2001.

CONTRACT/AGREEMENT CHANGES:

None

STAFF RECOMMENDATIONS:

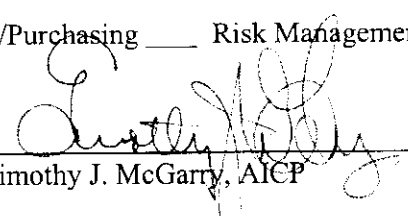
Approval.

TOTAL COST: N/A BUDGETED: Yes ☐ No ☐
COST TO COUNTY: N/A SOURCE OF FUNDS

REVENUE PRODUCING: Yes ☐ No ☒ AMOUNT PER MONTH Year

APPROVED BY: County Atty ☒ OMB/Purchasing ☐ Risk Management ☐

DIVISION DIRECTOR APPROVAL:


Timothy J. McGarry, AICP

DOCUMENTATION: Included ☒ To Follow ☐ Not Required ☐

DISPOSITION:

AGENDA ITEM # Q6

**LIVABLE COMMUNIKEYS
MASTER PLAN
TAVERNIER CREEK TO MILE MARKER 97**

**THE LIVABLE COMMUNIKEYS MASTER PLAN FOR
TAVERNIER CREEK TO MILE MARKER 97 DIRECTS FUTURE
GROWTH AND REDEVELOPMENT, PROTECTS THE NATURAL
ENVIRONMENT, AND PROPOSES WAYS TO ENHANCE THE
CHARACTER OF THE COMMUNITY.**

RECOMMENDATIONS

Staff: Approval	July 11, 2004	Staff Report
DRC: Approval	March 8, 2004	Resolution #D09-04
PC: Approval	June23, 2004	Resolution #P34-04

**DRAFT BOCC TRANSMITTAL
RESOLUTION**

RESOLUTION NO.

-2004

A RESOLUTION BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS **TRANSMITTING** TO THE DEPARTMENT OF COMMUNITY AFFAIRS THE REQUEST FILED BY THE PLANNING AND ENVIRONMENTAL RESOURCES DEPARTMENT AMENDING THE YEAR 2010 COMPREHENSIVE PLAN BASED ON RECOMMENDATIONS ADOPTED AS PART OF THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97.

WHEREAS, the Monroe County Board of County Commissioners held a public hearing on August 18, 2004, for the purposes of considering the transmittal to the Florida Department of Community Affairs, for review and comment, a proposed amendment to the Monroe County Year 2010 Comprehensive Plan, Future Land Use Map and Land Use District Map; and

WHEREAS, the Planning Commission and the Monroe County Board of County Commissioners support the requested amendments to the Monroe County Year 2010 Comprehensive Plan, the Future Land Use Map and Land Use District Map;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA THAT:

Section 1. The Board of County Commissioners does hereby adopt the recommendation of the Planning Commission pursuant to the draft ordinance for the adoption of the proposed amendments to the Monroe County Year 2010 Comprehensive Plan, Future Land Use Map and Land Use District Map; and

Section 2. The Board of County Commissioners does hereby transmit the proposed amendments with a copy of the adopted Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 to the Florida Department of Community Affairs for review and comment in accordance with the provisions of Sections 163.184 and 380.0522, Florida Statutes; and

Section 3. The Monroe County Staff is given the authority to prepare and submit the required transmittal letter and supporting documents for the proposed amendment in accordance with the requirement of 9J-11.006 of the Florida Administrative Code; and

Section 4. The Clerk of the Board is hereby directed to forward a copy of this resolution to the Director of Planning and Environmental Resources.

**PASSED AND ADOPTED BY THE Board of County Commissioners of
Monroe County, Florida at a regular meeting held on the 18th day of August, 2004.**

Mayor Murray Nelson _____
Mayor Pro Tem David P. Rice _____
Commissioner Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner Dixie Spehar _____

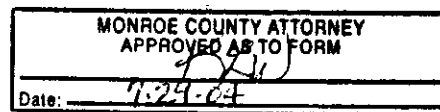
**BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA**

BY _____
Mayor Murray Nelson

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK

DEPUTY CLERK



DRAFT BOCC ORDINANCE

**TAVERNIER CREEK TO MILE MARKER 97
MASTER PLAN AND
FUTURE LAND USE MAP AMENDMENTS**

ORDINANCE NO. -2004

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE YEAR 2010 COMPREHENSIVE PLAN AND ADOPTING THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; AND DIRECTING THE DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Monroe County Year 2010 Comprehensive Plan Objective 101.20 identifies the Livable CommuniKeys Planning Program as a planning program designed to address community needs while balancing the needs of all of Monroe County; and

WHEREAS, Policy 101.20.1 of the Year 2010 Comprehensive Plan directs Monroe County to develop a series of Community Master Plans which shall include specific criteria, including close coordination with other community plans ongoing in the same area and sets out twelve principles to direct development of the master plans; and

WHEREAS, the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 (referred to hereafter as the Master Plan) is the product of the Livable CommuniKeys program as outlined in the Monroe County Year 2010 Comprehensive Plan Objective 101.20; and

WHEREAS, in conjunction with the Master Plan a commercial corridor enhancements master plan was developed for lands within the right-of-way of the U.S. 1 corridor from MM 93.5 to Mile Marker 91, to improve the streetscape aesthetics of Tavernier and guide enhancements and design themes that recognized the distinctive flavor of Tavernier to create an identifiable and high quality image for the U.S.1 corridor; and

WHEREAS, the Tavernier Creek to Mile Marker 97 Planning Area set as a vision:
An island community committed to preserving its heritage, natural setting and stands of native tropical hardwood hammocks, with improvements to the visual character of the U.S. 1 corridor, limited redevelopment of commercial properties, and neighborhoods where residents have access to the water and recreational facilities ; and

WHEREAS, the Master Plan carries through with that vision providing for the preservation, restoration, acquisition and management of environmentally sensitive lands, protection and enhancement of the planning areas small town character, design guidelines

and standards to guide renovation and redevelopment of the U.S 1 corridor and historic resources, controlled and directed commercial development, promotion and encouragement of the provision of employee and affordable housing, encouragement of multi-modal transportation, vehicle, bicycle and pedestrian safety improvements, enhancement of existing park facilities and provision of additional recreational resources; and

WHEREAS, the Master Plan will be adopted as a part of the Comprehensive Plan, and therefore any conflicts between the two must be resolved; and

WHEREAS, as part of the comprehensive LCP process, Future Land Use Map and Land Use District Map amendments are proposed to bring properties into conformance with the Master Plan and other guiding documents; and

WHEREAS, the Livable CommuniKeys Master Plan, Draft One was reviewed during a regularly scheduled meeting of the Development Review Committee held on March 8, 2004, where staff and public comment were received; and

WHEREAS, during a regularly scheduled meeting on March 24, 2004, the Monroe County Planning Commission reviewed the Livable CommuniKeys Master Plan, Draft One, which included staff changes to clarify language of the plan, suggested changes based on public input and staff recommendations, consideration of the plan was continued to the next Planning Commission meeting in Key Largo; and

WHEREAS, during a regularly scheduled meeting on April 28, 2004, the Monroe County Planning Commission again reviewed the Livable CommuniKeys Master Plan, discussed proposed changes with staff and the public and continued the plan to the next Planning Commission meeting in Key Largo for further consideration; and

WHEREAS, during a regularly scheduled meeting on May 26, 2004, the Monroe County Planning Commission reviewed the Livable CommuniKeys Master Plan, containing revisions based on staff research, input from the public during previous meetings, suggestions gathered from public input and recommended changes by staff, based on further public comment at the meeting, the plan was continued to the next Planning Commission meeting in Key Largo for further consideration; and

WHEREAS, during a regularly scheduled meeting on June 23, 2004, the Monroe County Planning Commission reviewed the Livable CommuniKeys Master Plan, accepted the proposed changes from the previous meetings, staff recommendations and suggestions from the public, recommended a further amendment to the Master Plan and recommended approval to the Board of County Commissioners; and

WHEREAS, the Strategies and Action Items in the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 are the equivalent to the Objectives and Policies in the Monroe County Year 2010 Comprehensive Plan; and

WHEREAS, the Monroe County Board of County Commissioners were presented with the following information, which by reference is hereby incorporated as part of the record of said hearing:

1. The Staff Report prepared on July 11, 2004 by K. Marlene Conaway, Director, Planning and Environmental Resources;
2. Proposed changes to the Monroe County Year 2010 Comprehensive Plan, Future Land Use Map and Land Use District Map;
3. Comments by the public; and

WHEREAS, the Monroe County Board of County Commissioners examined the proposed amendments to the Year 2010 Comprehensive Plan and Future Land Use District Map submitted by the Monroe County Planning Department at a public hearing on August 18, 2004; and

WHEREAS, the Monroe County Board of County Commissioners makes the following Findings of Fact based on the evidence presented:

1. Objective 101.20 mandates that the county complete a series of master plan documents to address local needs while balancing the needs of all of Monroe County. The Tavernier Creek to Mile Marker 97 Master Plan requires implementation of the recommended Strategies and Action Items. The Master Plan must be adopted as an amendment to and a part of the Year 2010 Comprehensive Plan.
2. Policy 101.20.1 requires the county to develop each master plan in accordance with Twelve (12) specific principles.
3. The Master Plan utilizes the Land Use District Map and Future Land Use Map (FLUM) to regulate land use type, density and intensity on a parcel basis within the planning area.
4. The Master Plan reviewed non-conforming land uses to identify their most appropriate Land Use District Map and Future Land Use Map designations. Action Item 1.4.2 (1) identifies by real estate parcel numbers, properties that are non-conforming now that are appropriately located and should be allowed to continue with all the rights of a conforming land use through amendment to the Land Use District Map and Future Land Use Map.
5. The Master Plan reviewed county owned properties to identify their most appropriate Land Use District Map and Future Land Use Map designations. Action Item 1.4.2 (2) identifies by real estate parcel

numbers, county owned properties that are environmentally sensitive and in order to limit development and preserve them for the future re-designates them from Improved Subdivision (IS) to Native Area (NA) and from Residential Medium (RM) to Residential Conservation (RC) on the Land Use District Map and Future Land Use Map respectively.

6. The Master Plan identified undeveloped properties designated as commercial within the FLUM that are located within established, built-out neighborhoods. Action Item 1.4.3 identified by real estate parcel numbers, properties to be removed from commercial consideration by changing the Future Land Use Map designation from Mixed-Use Commercial (MC) to Residential Medium (RM).

WHEREAS, the Monroe County Board of County Commissioners makes the following Conclusions of Law based on the evidence presented:

1. The Livable CommuniKeys Program requires Monroe County to produce a series of Master Plans which address local needs while balancing the needs of all of Monroe County; and
2. The Master Plan was adopted as the policy document to direct growth and development from Tavernier Creek to Mile Marker 97; and
3. The Master Plan, as adopted, recommends the amendments proposed by this ordinance in order to avoid conflicts with existing Objectives and Policies and to enable the implementation of the Livable CommuniKeys Program; and
4. The proposed amendments are internally consistent with and further the Goals, Objectives and Policies of the Year 2010 Comprehensive Plan and the Principles of Guiding Development set forth in Chapter 380, Florida Statutes; and

WHEREAS, the Monroe County Board of County Commissioners hereby supports the decision of the Monroe County Planning Commission and the staff of the Monroe County Planning Department; and

WHEREAS, it is the desire of the Monroe County Board of County Commissioners that the following amendments to the Monroe County Year 2010 Comprehensive Plan be approved, adopted and transmitted to the state land planning agency for approval.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:

Section 1. The Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 is adopted as an amendment to the Monroe County Year 2010 Comprehensive Plan.

Section 2. Amend Policy 101.20.2 in the Monroe County Year 2010 Comprehensive Plan (adopted with the Big Pine Key and No Name Key Plan) to read as follows:

Policy 101.20.2

The Community Master Plans shall be incorporated into the 2010 Comprehensive Plan as a part of the plan and be implemented as part of the Comprehensive Plan. The following Community Master Plans have been competed in accordance with the principals outlined in this section and adopted by the Board of County Commissioners:

1. Master Plan for Future Development of Big Pine Key and No Name Key, dated August 2004 and adopted by the Board of County Commissioners on August 18, 2004 is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objectives in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous.

2. The Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 dated (date) and adopted by the by the Board of County Commissioners on (date) is incorporated by reference into the 2010 Comprehensive Plan. The term Strategies in the Master Plan is equivalent to the term Objectives in the Comprehensive Plan and the term Action Item is equivalent to the term Policy; the meanings and requirements for implementation are synonymous.

Section 3. Change the Future Land Use Map designation of parcels identified with following real estate parcel numbers from Residential Medium (RM) to Mixed Use Commercial (MC):

566000.000000, 566240.000000, 477140.000000, 566120.000000, 477150.000000, 477160.000000, 477170.000000, 477210.000000, 565970.000100, 477180.000000 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 1.

Section 4. Change the Future Land Use Map designation of parcels identified with following real estate parcel numbers from Residential Medium (RM) to Residential Conservation (RC):

476750.000000, 476760.000000, 476770.000000, 476780.000000 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 2.

Section 5. Change the Future Land Use Map designation of parcels identified with following real estate parcel numbers from Mixed Use Commercial (MC) to Residential Medium (RM):

555880.000000, 556090.000000, 556080.000000, 555860.000000, 555910.000000, 555890.000000, 555960.000000, 555970.000000, 555850.000000, 555840.000000, 556010.000000, 555830.000000, 556020.000000, 555820.000000, 556040.000000, 556030.000000, 555990.000000, 556070.000000, 556000.000000, 556060.000000, 556050.000000 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 3.

Section 6. Change the Future Land Use Designation of parcels identified with the following real estate numbers from Residential Medium (RM) and Residential High (RH) to Mixed Use Commercial (MC): 00482320.000000 and 00482310.000000 and illustrated on the attached map which is hereby incorporated by reference and attached on Exhibit 4.

Section 7. If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 8. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 9. This ordinance shall be transmitted by the Planning Department to the Department of Community Affairs pursuant to Chapter 163 and 380, Florida Statutes.

Section 10. This ordinance shall be filed in the Office of the Secretary of State of Florida but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission finding the amendment in compliance with Chapter 163, Florida Statutes.

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PASSED AND ADOPTED BY THE Board of County Commissioners of
Monroe County, Florida at a regular meeting held on the ____ day of ____, 2004.

Mayor Murray Nelson _____
Mayor Pro Tem David P. Rice _____
Commissioner Charles "Sonny" McCoy _____
Commissioner George Neugent _____
Commissioner Dixie Spehar _____

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

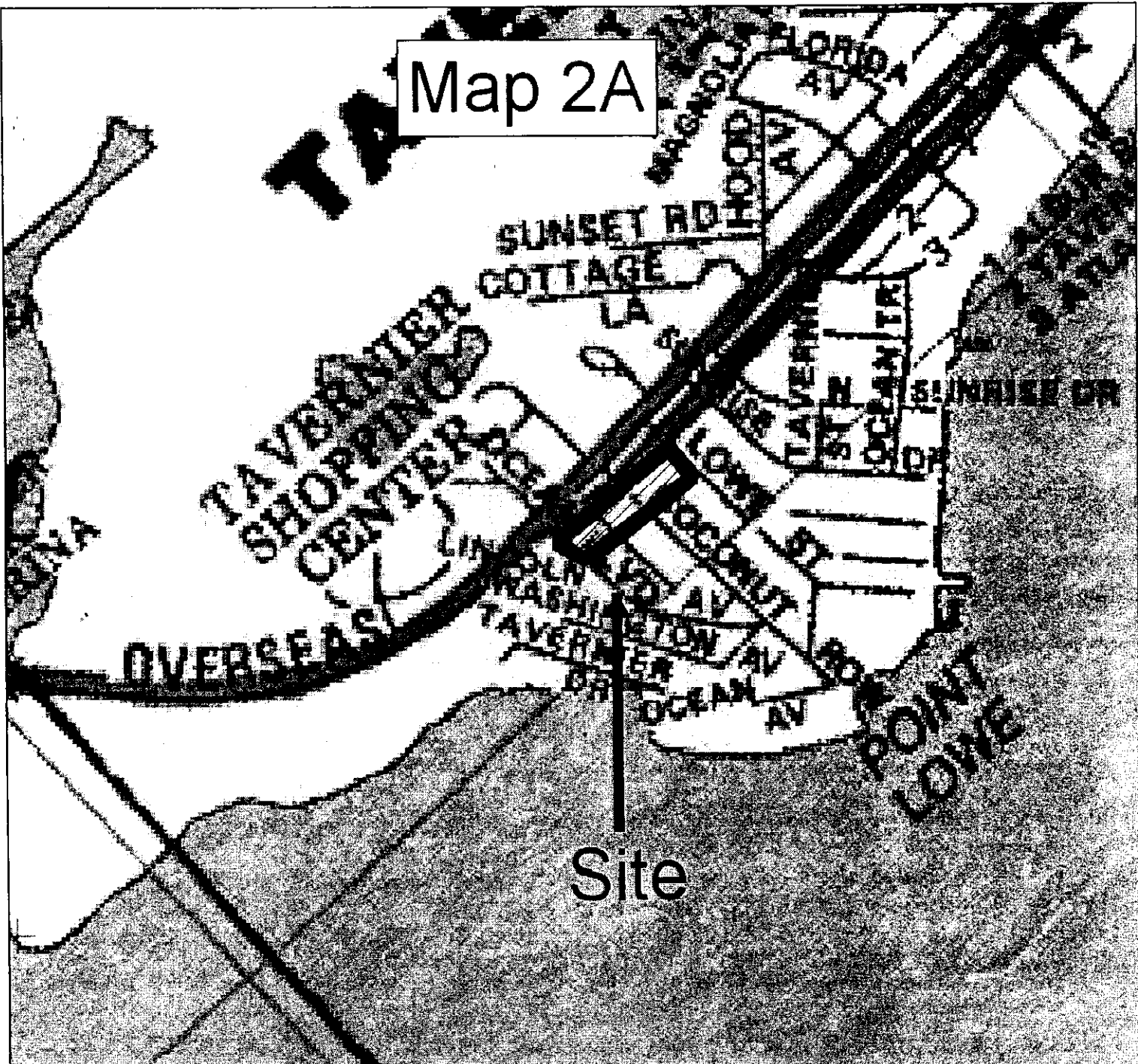
BY _____
Mayor Murray Nelson

(Seal)

ATTEST: DANNY L. KOLHAGE, CLERK



DEPUTY CLERK



Proposed Future Land Use Map Amendment: Street Map

Key: Key Largo

Mile Marker: 91.5

Proposal: Change Future Land Use District from RM to MC

Property Description: RE 566000, 566240, 477140, 566120, 477150, 477160, 477170, 477210, 565970.0001, 477180

Land Use District Map #: 152 and 155



Proposed Future Land Use Map Amendment: Aerial

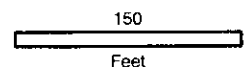
Key: Key Largo

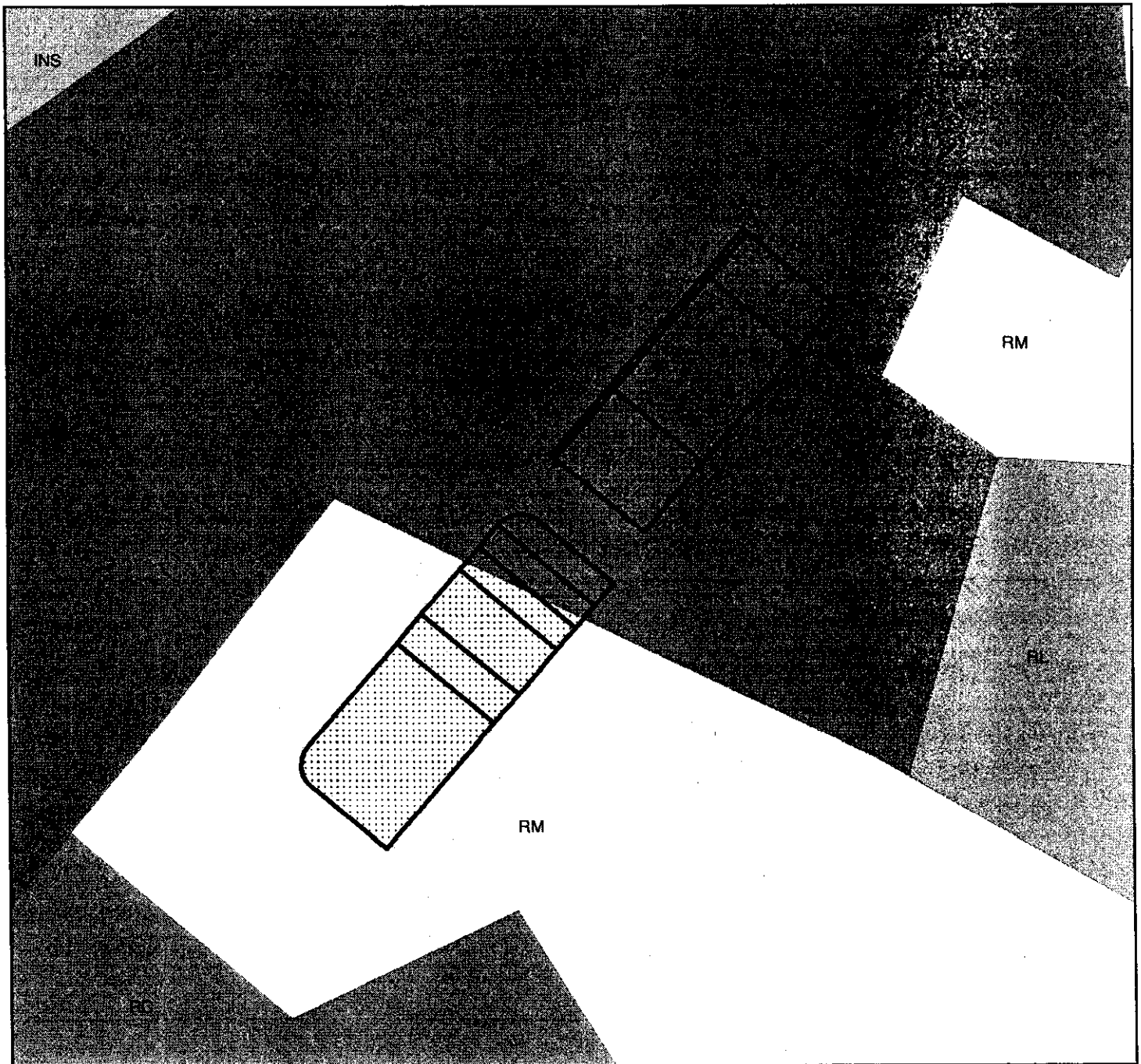
Mile Marker: 91.5

Proposal: Change Future Land Use District from RM to MC

Property Description: RE 566000, 566240, 477140, 566120, 477150, 477160, 477170, 477210, 565970.0001, 477180

Land Use District Map #: 152 and 155





**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated above and briefly described as:**

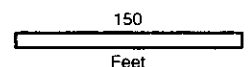
Key: Key Largo

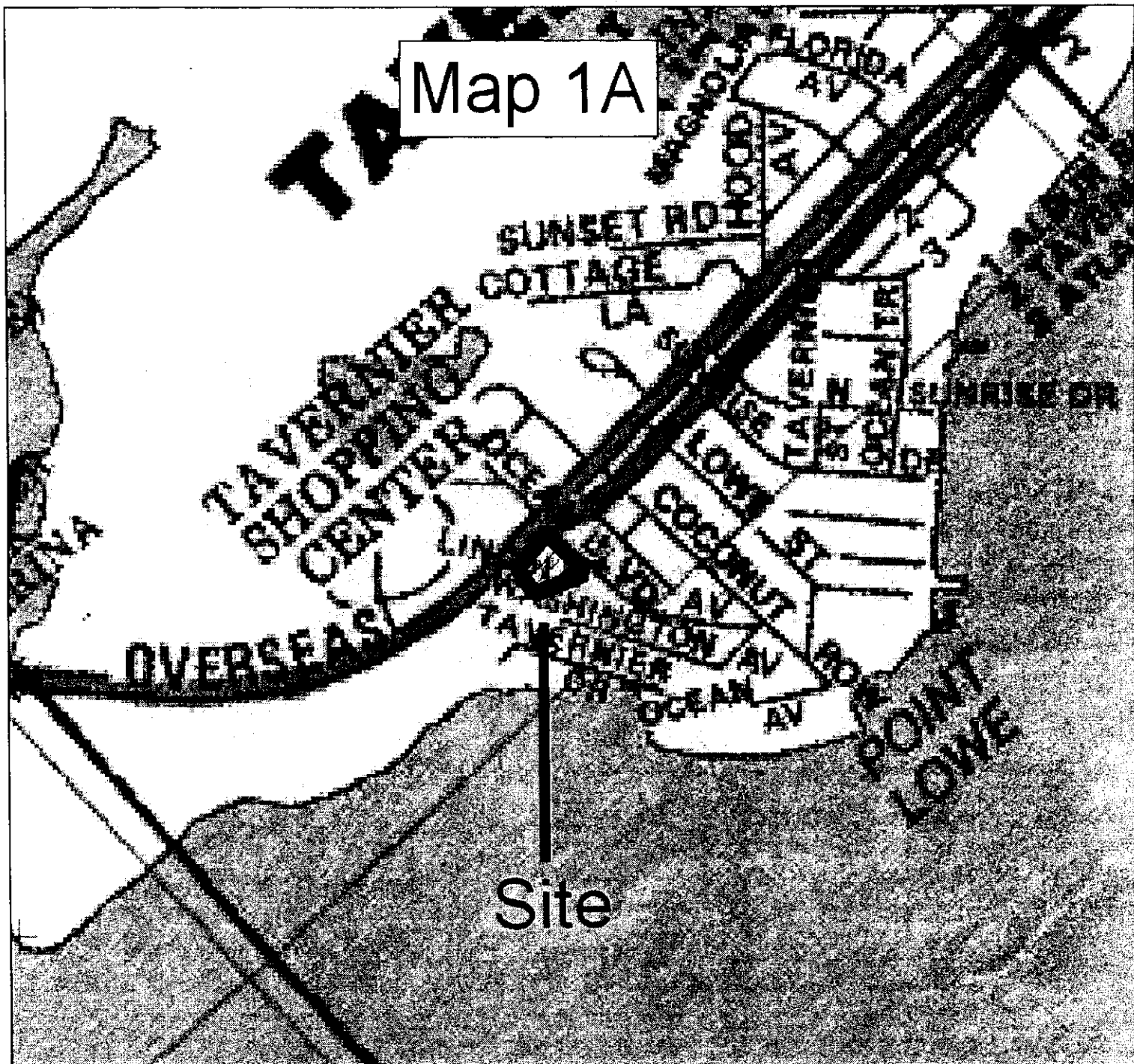
Mile Marker: 91.5

Proposal: Change Future Land Use District from RM to MC

Property Description: RE 566000, 566240, 477140, 566120, 477150,
477160, 477170, 477210, 565970.0001, 477180

Land Use District Map #: 152 and 155





Proposed Future Land Use Map Amendment: Street Map

Key: Key Largo

Mile Marker: 91.5

Proposal: Change Future Land Use District from RM to RC

Property Description: RE 476750, 476760, 476770, 476780



Proposed Future Land Use Map Amendment: Aerial

Key: Key Largo

Mile Marker: 91.5

Proposal: Change Future Land Use District from RM to RC

Property Description: RE 476750, 476760, 476770, 476780

Land Use District Map #: 155

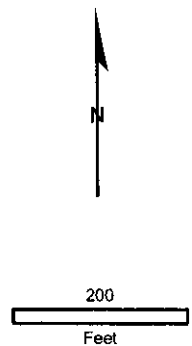
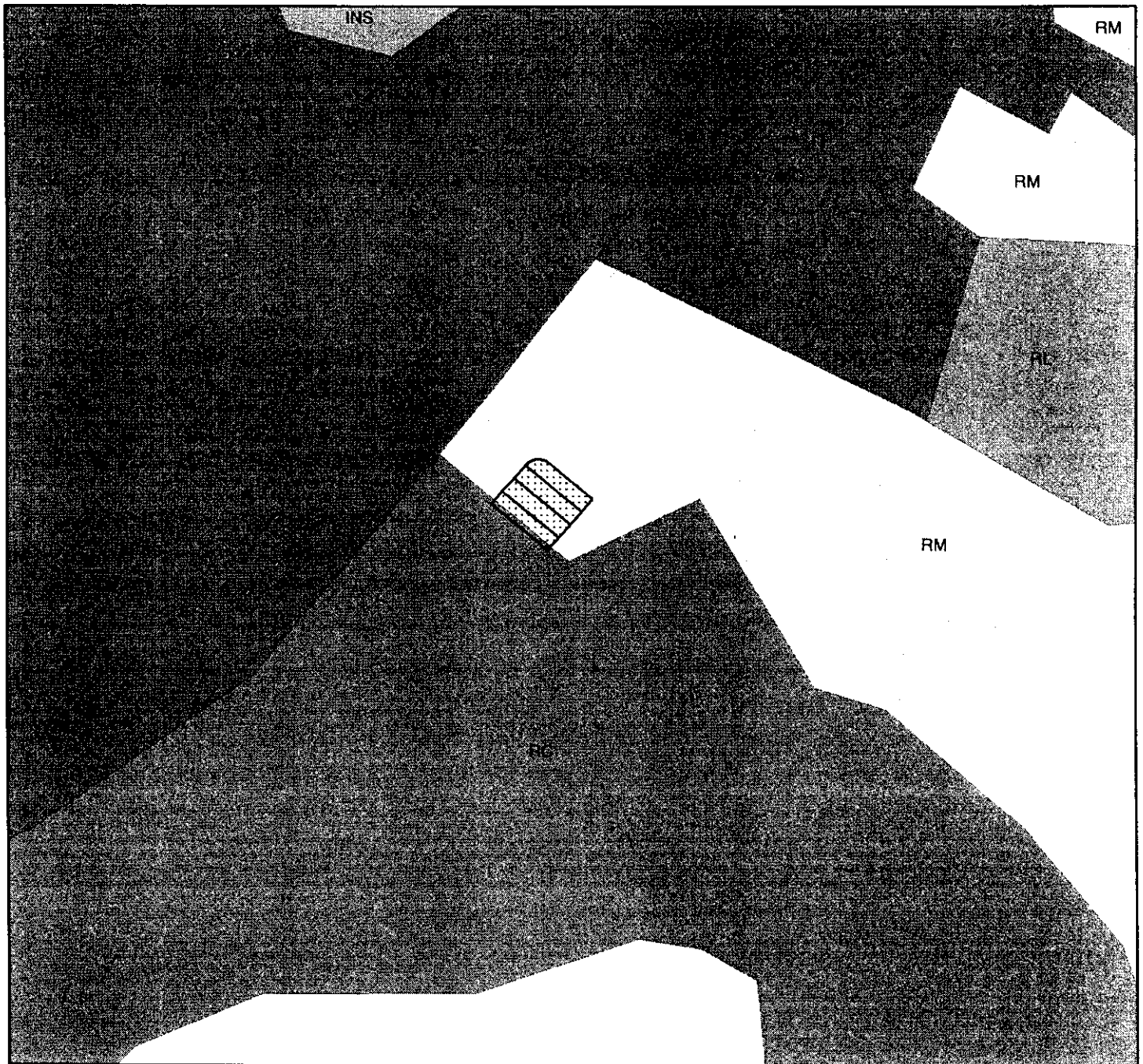


EXHIBIT NO. 2



**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated above and briefly described as:**

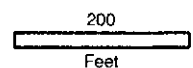
Key: Key Largo

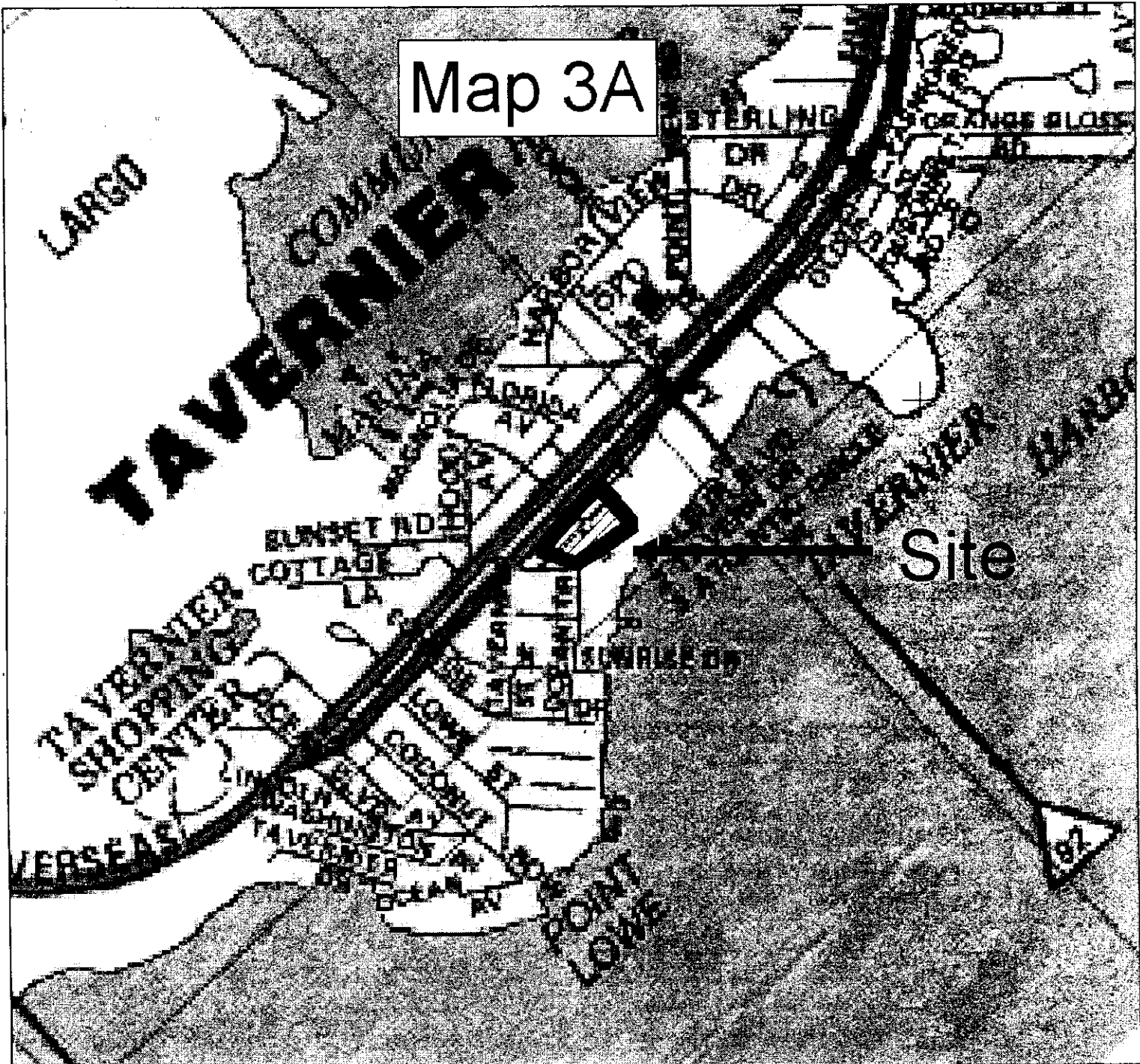
Mile Marker: 91.5

Proposal: Change Future Land Use District from RM to RC

Property Description: RE 476750, 476760, 476770, 476780

Land Use District Map #: 155





Proposed Future Land Use District Map Amendment: Street Map

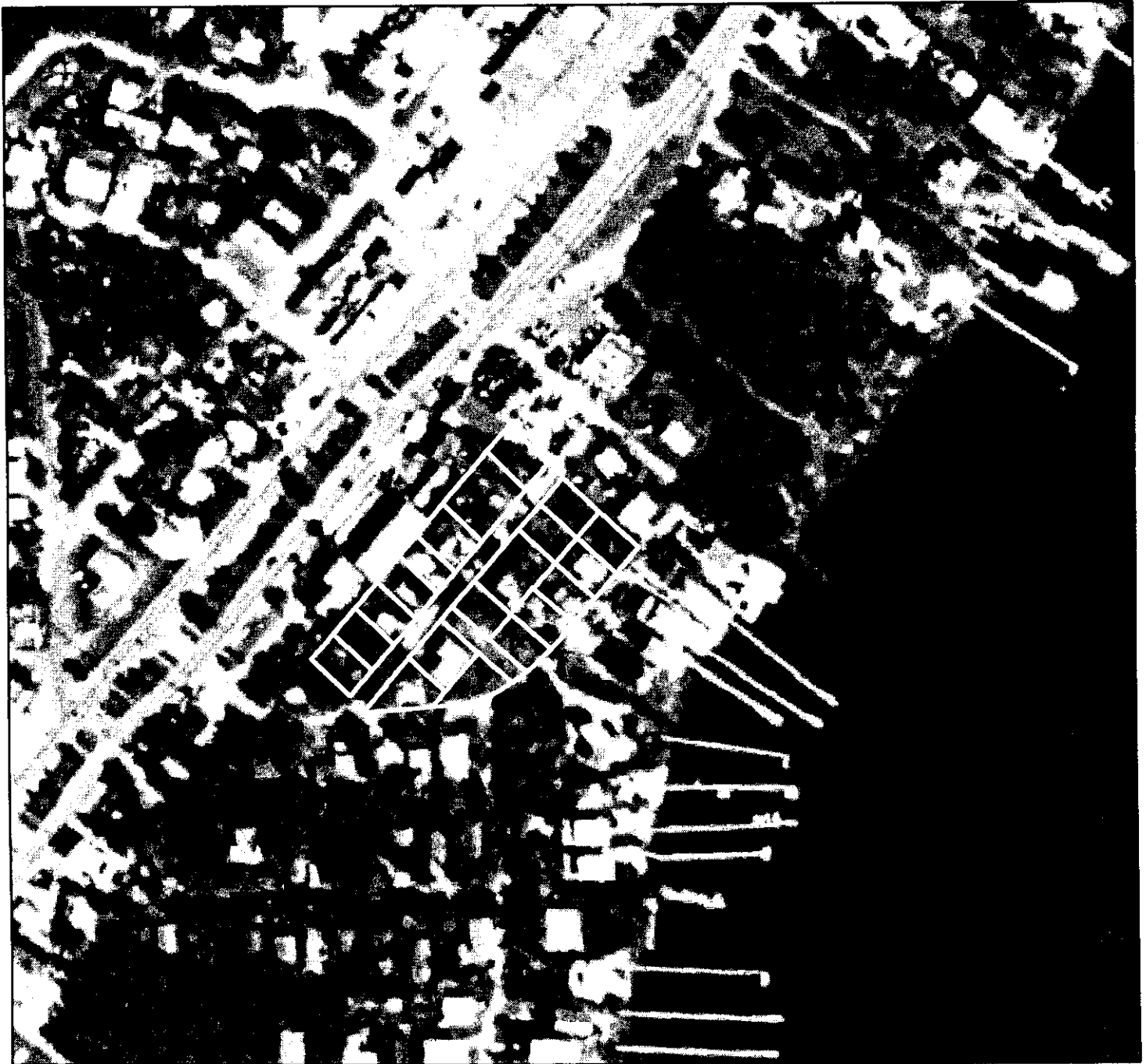
Key: Key Largo

Mile Marker: 91.5

Proposal: Change Future Land Use District from MC to RM

Property Description: RE 555880, 556090,
556080, 55860, 555910, 555890, 555960, 555970, 555850,
55840, 556010, 555830, 556020, 555820, 556040,
556030, 555990, 556070, 556000, 556060, 556050

Land Use District Map #: 155



Proposed Future Land Use District Map Amendment: Aerial

Key: Key Largo

Mile Marker: 91.5

Proposal: Change Future Land Use District from MC to RM

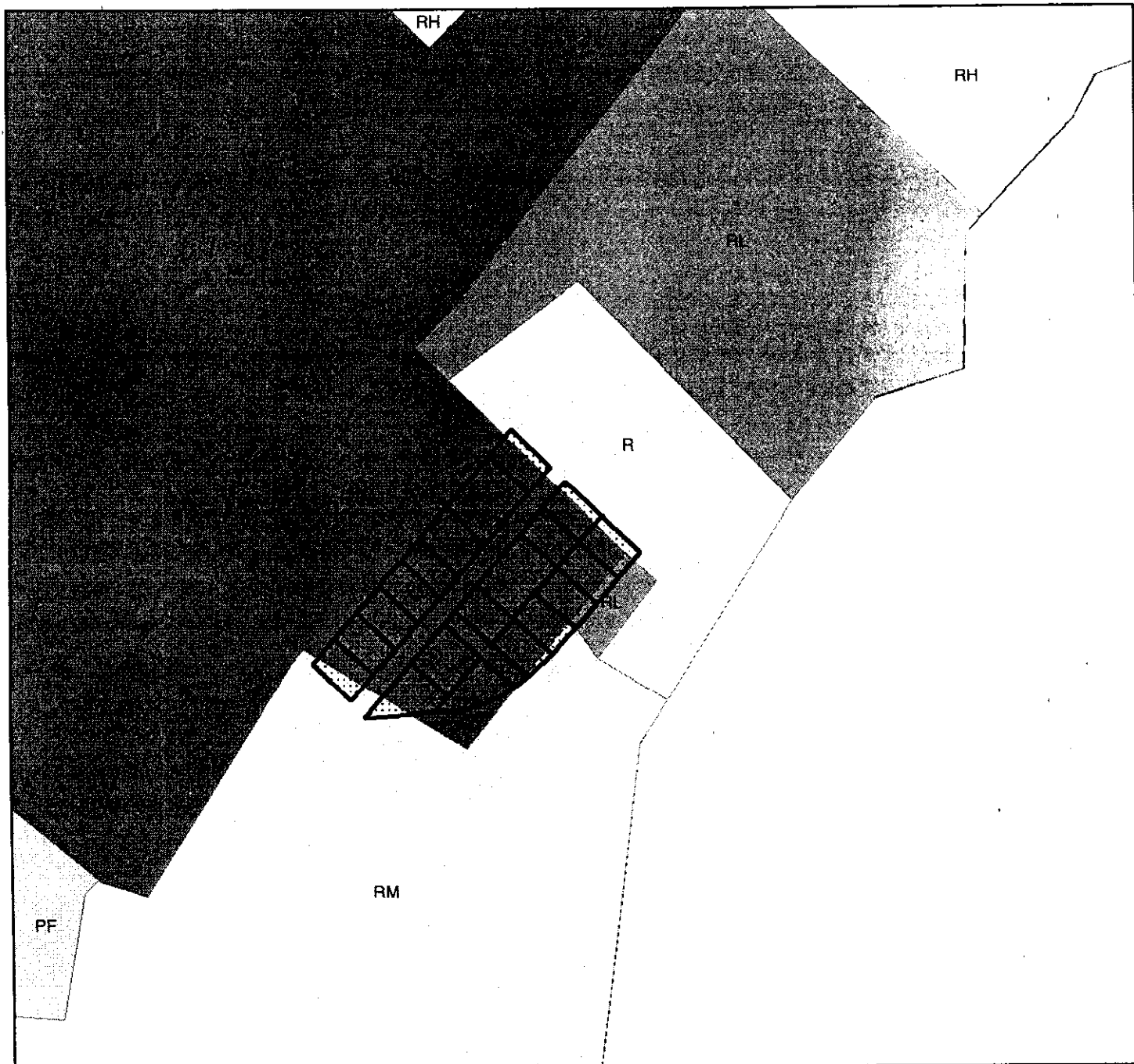
Property Description: RE 555880, 556090,
556080, 55860, 555910, 555890, 555960, 555970, 555850,
55840, 556010, 555830, 556020, 555820, 556040,
556030, 555990, 556070, 556000, 556060, 556050

Land Use District Map #: 155

N

200

Feet



**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as**

Key: Key Largo indicated above and briefly described as:

Mile Marker: 91.5

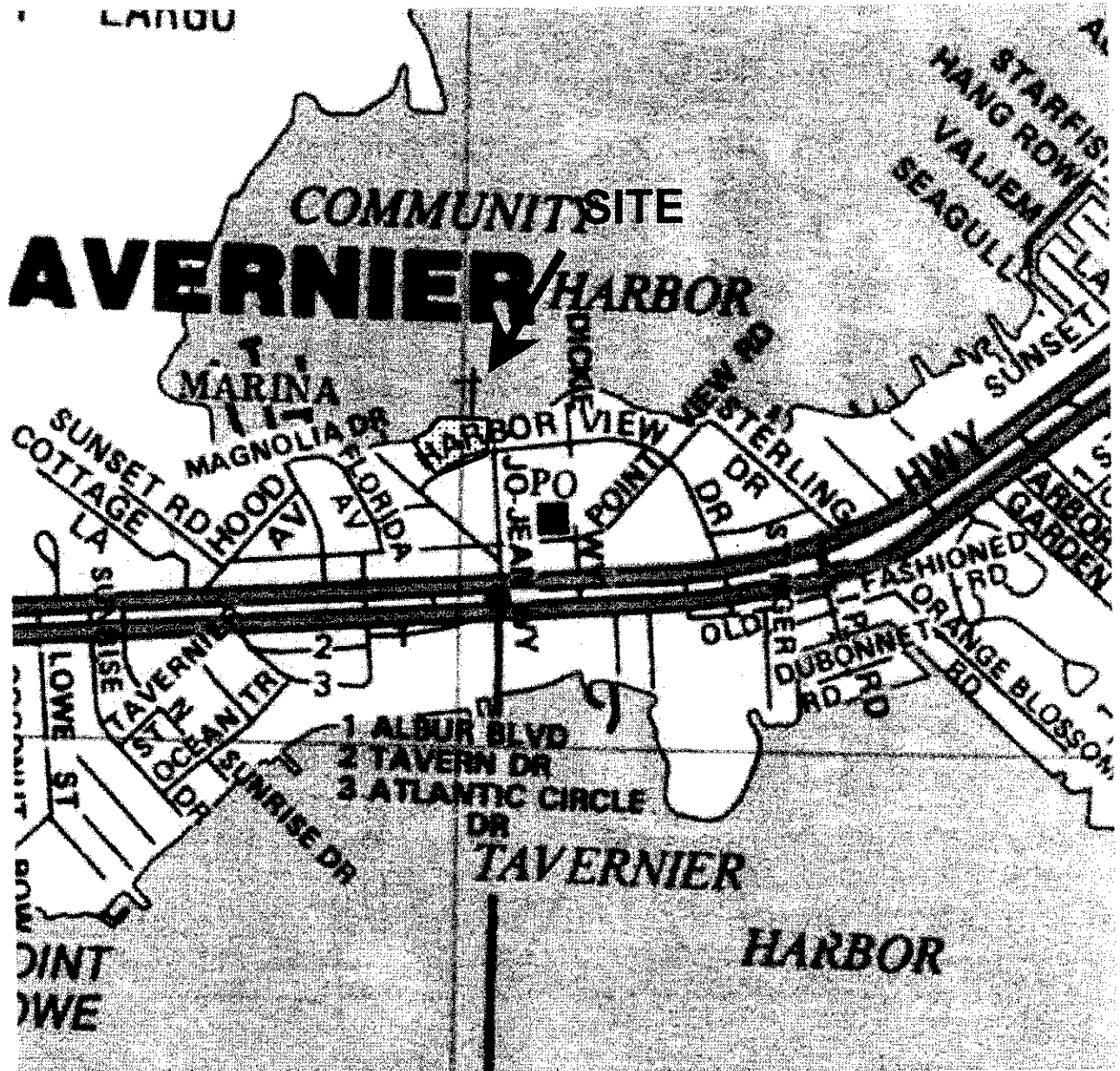
Proposal: Change Future Land Use District from MC to RM

**Property Description: RE 555880, 556090,
556080, 55860, 555910, 555890, 555960, 555970, 555850,
55840, 556010, 555830, 556020, 555820, 556040,
556030, 555990, 556070, 556000, 556060, 556050**

Land Use District Map #: 155



200
Feet



Proposed Future Land Use Map Amendment: Street Map

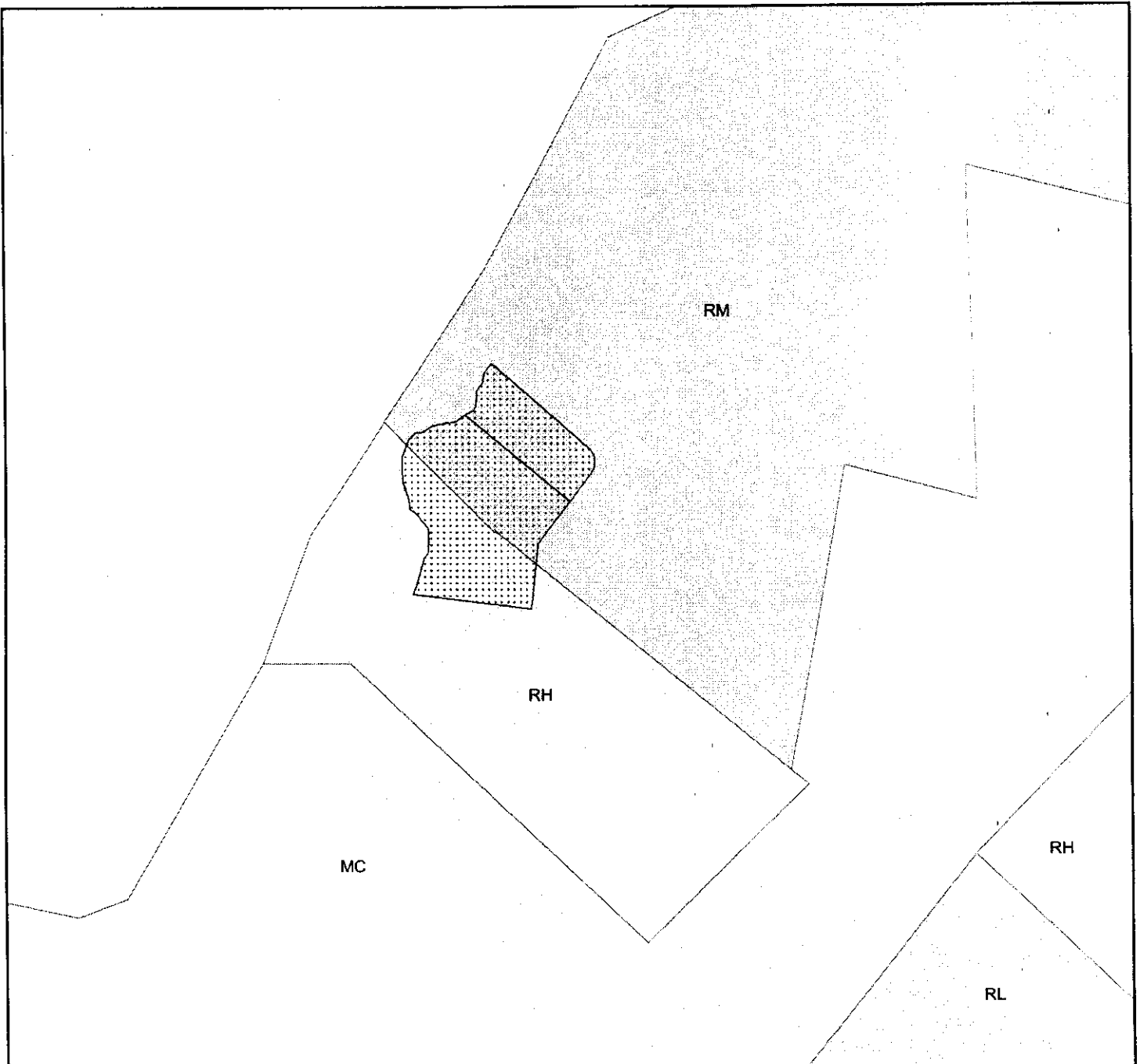
Key: Key Largo

Mile Marker: 92

Proposal: Change Future Land Use District from RM and RH to MC

Property Description: RE 482320 and 482310

Land Use District Map #: 151



**The Monroe County Year 2010 Comprehensive Plan
Future Land Use Map is proposed to be amended as
indicated above and briefly described as:**

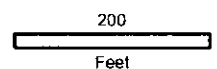
Key: Key Largo

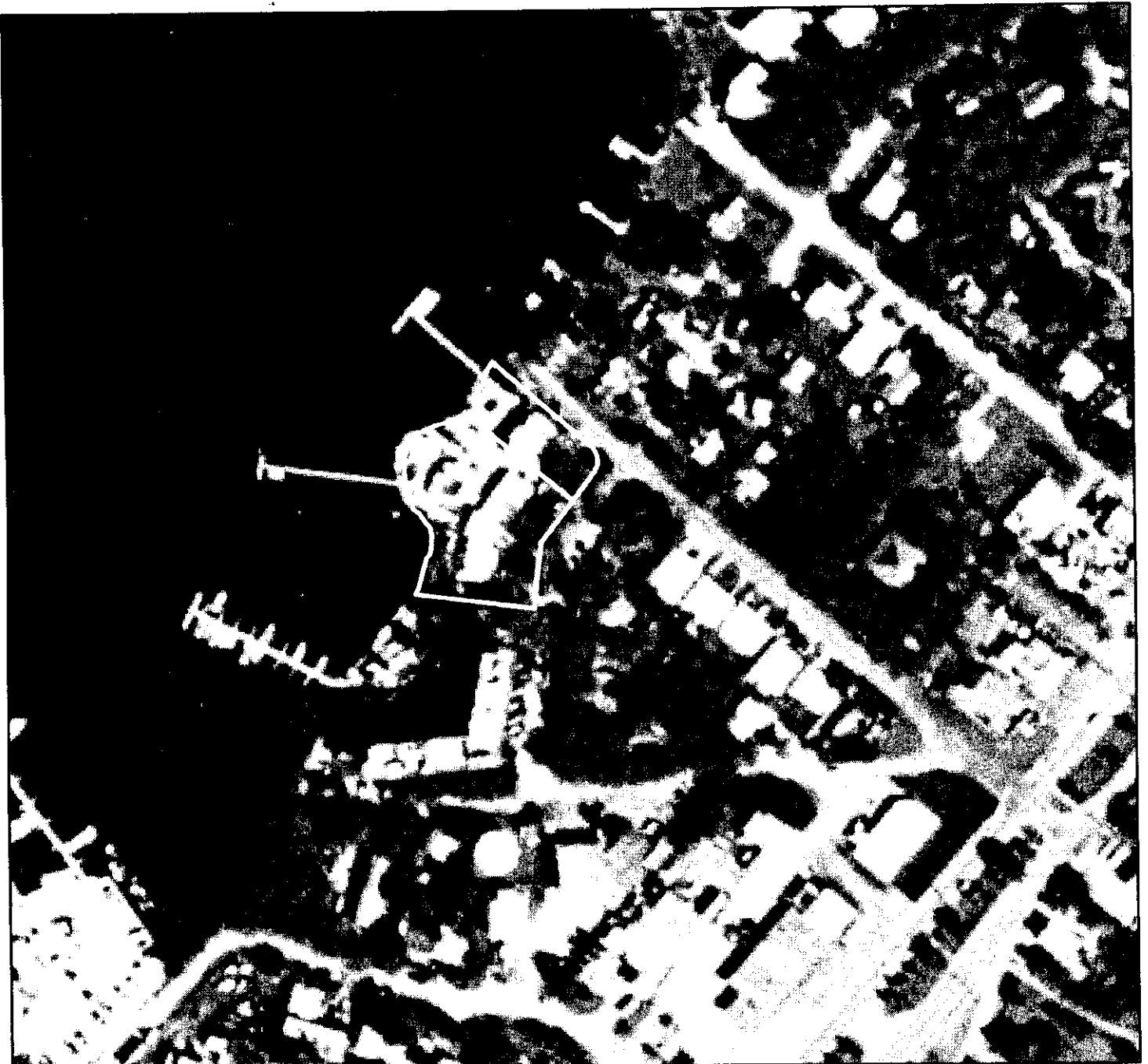
Mile Marker: 92

Proposal: Change Future Land Use District from RM and RH to MC

Property Description: RE 482320 and 482310

Land Use District Map #: 151





Proposed Future Land Use Map Amendment: Aerial

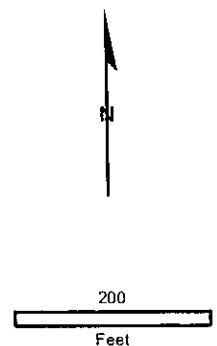
Key: Key Largo

Mile Marker: 92

Proposal: Change Future Land Use District from RM and RH to MC

Property Description: RE 482320 and 482310

Land Use District Map #: 151



**Board of County Commissioners
Land Use District Map
Ordinance**

ORDINANCE NO. -2004

AN ORDINANCE BY THE MONROE COUNTY BOARD OF COUNTY COMMISSIONERS APPROVING THE CHANGES TO THE LAND USE DISTRICT MAP FOR TAVERNIER CREEK TO MILE MARKER 97 AS DETAILED IN THE LIVABLE COMMUNIKEYS MASTER PLAN FOR TAVERNIER CREEK TO MILE MARKER 97 DATED JULY 24, 2004; PROVIDING FOR THE REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; AND DIRECTING THE DIRECTOR OF PLANNING AND ENVIRONMENTAL RESOURCES TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, at a regularly scheduled meeting on August 18, 2004, the Monroe County Board of County Commissioners held the first of two public hearings on the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 (referred to hereafter as the Master Plan) as the policy document to direct growth and development from Tavernier Creek to Mile Marker 97; and

WHEREAS, the proposed Comprehensive Plan and Future Land Use and Land Use District Map changes have been recommended by the Master Plan; and

WHEREAS, the Master Plan is the product of the Livable CommuniKeys program as outlined in the Monroe County Year 2010 Comprehensive Plan Objective 101.20 which is to address community needs while balancing the needs of all of Monroe County; and

WHEREAS, as a part of the comprehensive LCP process, Future Land Use and Land Use District Map amendments are proposed to bring properties in conformity with the Master Plan and other guiding documents; and

WHEREAS, the proposed amendments were reviewed during a meeting of the Development Review Committee on March 8, 2004, where staff and public comment were received; and

WHEREAS, during a regularly scheduled meeting on June 23, 2004, the Monroe County Planning Commission reviewed the amendments and recommended approval, to the Board of County Commissioners; and

WHEREAS, the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 in Action Item 1.4.2 (1), Action Item 1.4.2 (2) and Action Item 1.4.3 included the changes to the Future Land Use Map and Land Use District Map; and

WHEREAS, the Future Land Use Map amendments were adopted with the Livable CommuniKeys Master Plan for Tavernier Creek to Mile Marker 97 in Action Item 1.4.2 (1),

Action Item 1.4.2 (2) and Action Item 1.4.3 and the following Land Use District Map amendments are in conformance with the Master Plan and the Future Land Use Map:

1. Change the Land Use District Map designation of parcels identified with following real estate parcel numbers from Improved Subdivision (IS) to Mixed Use (MU):
566000.000000, 566240.000000, 477140.000000, 566120.000000,
477150.000000, 477160.000000, 477170.000000, 477210.000000,
565970.000100, 477180.000000 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 1.
2. Change the Land Use District Map designation of parcels identified with following real estate parcel numbers from Improved Subdivision (IS) to Native Area (NA):
476750.000000, 476760.000000, 476770.000000, 476780.000000 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 2.

WHEREAS, the Monroe County Board of County Commissioners examined the proposed amendments to the Year 2010 Comprehensive Plan, Future Land Use and Land Use District Maps submitted by the Monroe County Planning Department at a public hearing on August 18, 2004 and approved a Transmittal Resolution to transmit the plan and Future Land Use Map amendments to the Florida Department of Community Affairs (DCA); and

WHEREAS, The Monroe County Board of County Commissioners were presented with the following information, which by reference is hereby incorporated as part of the record of said hearing:

1. Staff Report prepared on July 11, 2004 by K. Marlene Conaway, Director, Planning and Environmental Resources; and
2. The Livable CommuniKeys Program Master Plan for Tavernier Creek to Mile Marker 97; and

WHEREAS, the Monroe County Board of County Commissioners makes the following Findings of Fact based on the evidence presented:

1. Objective 101.20 mandates that the county complete a series of master plan documents to address local needs while balancing the needs of all of Monroe County. The Tavernier Creek to Mile Marker 97 Master Plan requires implementation of the recommended Strategies and Action Items. The Master Plan must be adopted as an amendment to and a part of the Year 2010 Comprehensive Plan.
2. Policy 101.20.1 requires the county to develop each master plan in accordance with Twelve (12) specific principles.

3. The Master Plan utilizes the Land Use District Map and Future Land Use Map (FLUM) to regulate land use type, density and intensity on a parcel basis within the planning area.
4. The Master Plan reviewed non-conforming land uses to identify their most appropriate Land Use District Map and Future Land Use Map designations. Action Item 1.4.2 (1) identifies by real estate parcel numbers, properties that are non-conforming now that are appropriately located and should be allowed to continue with all the rights of a conforming land use through amendment to the Land Use District Map and Future Land Use Map.
5. The Master Plan reviewed county owned properties to identify their most appropriate Land Use District Map and Future Land Use Map designations. Action Item 1.4.2 (2) identifies by real estate parcel numbers, county owned properties that are environmentally sensitive and in order to limit development and preserve them for the future re-designates them from Improved Subdivision (IS) to Native Area (NA) and from Residential Medium (RM) to Residential Conservation (RC) on the Land Use District Map and Future Land Use Map respectively.
6. The Master Plan identified undeveloped properties designated as commercial within the FLUM that are located within established, built-out neighborhoods. Action Item 1.4.3 identified by real estate parcel numbers, properties to be removed from commercial consideration by changing the Future Land Use Map designation from Mixed-Use Commercial (MC) to Residential Medium (RM).

WHEREAS, the Monroe County Board of County Commissioners makes the following Conclusions of Law based on the evidence presented:

1. The Livable CommuniKeys Program requires Monroe County to produce a series of Master Plans which addresses local needs while balancing the needs of all of Monroe County; and
2. The Master Plan is adopted as an amendment to the 2010 Comprehensive Plan and is the policy document to direct growth and development in the Tavernier Creek to MM #97 planning area; and
3. The Master Plan, as adopted, recommends the amendments to the Land Use District Maps; and
4. The proposed amendments are internally consistent with and further the Goals, Objectives, and Policies of the Year 2010 Comprehensive Plan and the Principles of Guiding Development set forth in Chapter 380, Florida Statutes; and

WHEREAS, the Monroe County Board of County Commissioners hereby supports the recommendation of the Monroe County Planning Commission and the staff of the Monroe County Planning Department; and

WHEREAS, it is the desire of the Monroe County Board of County Commissioners that the following amendments to the Monroe County Land Use District Map be approved, adopted and transmitted to the state land planning agency for approval;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, that the preceding Findings of Fact and Conclusions of Law support it's decision to **Approve the Land Use District Map amendments**:

Section 1. Change the Land Use District Map designation of parcels identified with following real estate parcel numbers from Improved Subdivision (IS) to Mixed Use (MU): 566000.000000, 566240.000000, 477140.000000, 566120.000000, 477150.000000, 477160.000000, 477170.000000, 477210.000000, 565970.000100, 477180.000000 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 1.

Section 2. Change the Land Use District Map designation of parcels identified with following real estate parcel numbers from Improved Subdivision (IS) to Native Area (NA): 476750.000000, 476760.000000, 476770.000000, 476780.000000 and illustrated on the attached map which is hereby incorporated by reference and attached as Exhibit 2.

Section 3. If any section, subsection, sentence, clause, item, change, or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such validity.

Section 4. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

Section 5. This ordinance shall be transmitted by the Planning Department to the Department of Community Affairs pursuant to Chapter 380, Florida Statutes.

Section 6. This ordinance shall be filed in the Office of the Secretary of State of Florida, but shall not become effective until a notice is issued by the Department of Community Affairs or Administrative Commission finding the amendment consistent with Chapter 380, Florida Statutes.

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